JB:EAG
F.# 2006R02102

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-08-442

- X

UNITED STATES OF AMERICA

- against -

LLESH BIBA,

Defendant.

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SEALED COMPLAINT AND AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

(T. 18, U.S.C., § 1951)

EASTERN DISTRICT OF NEW YORK, SS:

JASON KUCHINOV, being duly sworn, deposes and says that he is a Special Agent with the Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

Upon information and belief, on or about August 17, 2006, within the Eastern District of New York and elsewhere, the defendant LLESH BIBA, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of any article or commodity in commerce, by robbery of a drug trafficker, and did threaten and commit physical violence to a person in furtherance of that plan.

(Title 18, United States Code, Section 1951(a)).

Upon information and belief, on or about August 29, 2006, within the Eastern District of New York and elsewhere, the defendant LLESH BIBA, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of any article or commodity in commerce, by robbery of a drug trafficker, and did threaten and commit physical violence to a person in furtherance of that plan.

(Title 18, United States Code, Section 1951(a)).

The source of your deponent's information and the grounds for his belief are as follows:[1]

1. I am familiar with the facts contained in this affidavit as a result of my participation in the investigation of the robbery described below, including reviewing records, interviewing witnesses, and speaking with other law enforcement personnel.

2. Where the contents of documents, the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

3. According to a cooperating witness ("CW-1")[2], in or about August 2006, a coconspirator ("CC-1"), together with others, agreed with an individual named "Llesh" and another coconspirator ("CC-2") to participate in a home-invasion robbery of a residence in Staten Island, New York, where the coconspirators believed they would find cash proceeds that

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[1] Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not set forth all of the facts and circumstances of which I am aware.

[2] CW-1 has entered into a cooperation agreement with the government. Pursuant to this agreement, CW-1 has pled guilty and is awaiting sentencing. In exchange for his cooperation, CW-1 hopes to receive a 5K1.1 letter from the government at the time of his sentencing and also hopes to be relocated for his security following completion of his cooperation.

belonged to a labor union official. CW-1 further advised that the Staten Island residence was located a few blocks behind an A&W Restaurant on Hylan Boulevard in Staten Island.[3]

4. According to CW-1, CC-1 subsequently agreed with the above-mentioned Llesh and Llesh's brother to participate in a second home-invasion robbery, this one of a drug trafficker's residence in Ansonia, Connecticut.

5. On or about September 1, 2006, CC-1 advised CW-1, who was equipped with a recording device, of the participants of the Ansonia, Connecticut home invasion. CC-1 informed CW-1 that he (CC-1) committed the robbery with two individuals, whom he described as cousins of "Bek" and brothers from Albania. CC-1 described one of the brothers as approximately 29 years old and the other as approximately 44 years old.

6. During the September 1, 2006 meeting, CC-1 explained to CW-1 that he (CC-1) and the younger of Bek's cousins entered the Ansonia residence, while the older of Bek's cousins waited for them in a get-away vehicle. CC-1 further explained that when the older of Bek's cousins heard screams, he drove the vehicle, in which he was waiting, in reverse; picked up CC-1 and the younger of Bek's cousins; and fled the scene.

7. Your deponent along with another agent of the DEA interviewed a female victim ("V-1"). V-1 stated that on August 29, 2006, two men, who were armed with handguns, entered her

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[3] In or about August 2006, an A&W Restaurant was located near the intersection of Jefferson Avenue and Hylan Boulevard in Staten Island, New York.

apartment apparently in search of her male landlord, who lived upstairs from her. Thereafter, V-1's landlord met V-1 and the two men outside of the residence and the two men started to physically assault V-1's landlord. When V-1 attempted to intervene, one of the two males hit her in the head with a handgun. V-1's description of the two males generally matches the defendant LLESH BIBA and CC-1.

8. Records reveal that on August 29, 2006, V-1 sustained a bruise to her head and that V-1's landlord sustained a cracked skull. Your deponent also interviewed a witness ("W-1") who observed a portion of the events of August 29, 2006. W-1 stated that he observed two males run down the street and then jump into a vehicle, which took them away from the scene.

9. Cellular telephone tower and sector records for a telephone known to be used by CC-1 corroborate the above-described account of CC-1's whereabouts on the evening of August 29, 2006. Specifically, the records reveal that CC-1 traveled from Brooklyn, New York to Connecticut and then returned to Staten Island, New York.

10. Telephone records further reveal three telephone calls between a cellular telephone known to be used by CC-1 and the telephone known to be used by the defendant LLESH BIBA on August 28, 2006 (the day before the Ansonia, Connecticut home invasion); one call at 4:22 p.m. on August 29, 2006 (the day of the robbery) and four calls on August 30, 2006 (the day after the robbery).

11. Immigration records reveal that the defendant LLESH BIBA was born in Albania, was 26 years old in August 2006 and has a brother who was 41 years old in August 2006.

12. On or about November 14, 2006, CC-1 explained to CW-1, who was again equipped with a recording device, that he committed the Staten Island robbery with his "Albanian friend" and CC-2. CC-1 described his "Albanian friend" as one of the cousins of Bek with whom he committed the Ansonia, Connecticut home invasion. CC-1 advised CW-1 that his friend's name was "Llesh."

13. During the November 14, 2006 recorded conversation, CC-1 described to CW-1 how they committed the Staten Island home invasion. CC-1 explained that Llesh drove CC-1 and CC-2 to the residence in Staten Island. CC-1 and CC-2, both of whom were wearing clothing designed to impersonate law enforcement, gained entry to the residence and restrained a female caretaker who was present. While restrained, CC-1 displayed a handgun to the caretaker. The female caretaker ultimately managed to escape, causing CC-1 to tackle her to the ground outside of the residence. However, when the events alerted neighbors to the commotion, CC-1 and CC-2 jumped into Llesh's vehicle and Llesh fled the scene.

14. During the November 14, 2006 recorded conversation, CC-1 described the vehicle that Llesh used in the home invasion as a blue Cadillac bearing New Jersey license plates, which belonged to Llesh's girlfriend.

15. A form dated March 24, 2006, which was completed by the girlfriend of the defendant LLESH BIBA in connection with a residential lease, indicates the defendant LLESH BIBA lived with his girlfriend at a New Jersey address and that they had a blue Cadillac bearing New Jersey license plates.

16. Telephone records for the cellular telephone known to be used by CC-1 reveal two telephone calls between CC-1 and a cellular telephone known to be used by the defendant LLESH BIBA at 11:29 a.m. and three more calls between them between 1:52 p.m. and 2:14 p.m. on August 17, 2006 (the day of the Staten Island home invasion).

17. A 9-1-1 call and police records corroborate that a home invasion occurred at a Staten Island residence on Husson Street at approximately 1:40 p.m. on August 17, 2006. The location of the home invasion was approximately two blocks behind the location of the A&W Restaurant referenced in paragraph 3.

18. The victim of the Husson Street robbery ("V-2"), who was serving as a caretaker, advised that two men rang the doorbell and announced themselves as the "Police." V-2 further advised that the two men then restrained her and ultimately directed her outside, at which time she started to scream, which alerted neighbors and caused the two men to flea. Other witnesses advised that the two men entered a blue Cadillac bearing New Jersey license plates.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant LLESH BIBA, so that he may be dealt with according to law.

WHEREFORE, I further request that this affidavit be sealed until further order of the Court.

JASON KUCHINOV
Special Agent, DEA

Sworn to before me this
8th day of May, 2008